

SEP - 5 2013
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

CRIMINAL NO. 2:02-20062

VS.

JUDGE HAIK

QUINCY O. GUILLORY

MAGISTRATE JUDGE HILL


JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record including the objections filed by petitioner, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that Quincy O. Guillory's Motion for Relief from Judgment Pursuant to F.R.C.P. Rule 60(b) [rec. doc. 172] is construed as a second or successive federal *habeas corpus* petition pursuant to 28 U.S.C. § 2244(b) and therefore is **DISMISSED** for lack of subject matter jurisdiction, and alternatively, is **DENIED** and **DISMISSED** on the merits.

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this

3rd day of September, 2013.


RICHARD T. HAIK
UNITED STATES DISTRICT JUDGE